

House File 429 - Introduced

HOUSE FILE 429
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 17)

A BILL FOR

1 An Act relating to school districts, including authorizing
2 the parent or guardian of a student enrolled in a school
3 district to enroll the student in another attendance
4 center within the same school district in certain specified
5 circumstances, requiring classroom teachers employed
6 by school districts to provide notice to the parents or
7 guardians of students enrolled in the school district if the
8 classroom teacher witnesses the student being physically
9 injured, harassed, or bullied, and including effective date
10 provisions.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 279.77 Intra-district enrollment.

2 1. A parent or guardian of a student enrolled in a school
3 district may enroll the student in another attendance center
4 within the same school district that offers classes at the
5 student's grade level in the manner provided in this section
6 if the board of directors of the school district reasonably
7 believes that any student enrolled in the school district
8 has harassed or bullied the student. For purposes of this
9 subsection, "*harassment*" and "*bullying*" mean the same as defined
10 in section 280.28.

11 2. a. A parent or guardian shall send notification to the
12 board of directors of the school district, on forms prescribed
13 by the department of education, that the parent or guardian
14 intends to enroll the student in another attendance center
15 within the same school district that offers classes at the
16 student's grade level.

17 b. The board of directors of the school district shall
18 enroll the student in another attendance center within the same
19 school district unless the attendance center has insufficient
20 classroom space for the student. The board of directors of a
21 school district may adopt a policy granting the superintendent
22 of the school district authority to approve requests submitted
23 pursuant to this section. If the request is granted, the board
24 of directors of the school district shall transmit a copy of
25 the form to the parent or guardian within five days after board
26 action. The parent or guardian may withdraw the request at any
27 time prior to the board of directors' action on the request.
28 A denial of a request by the board of directors is not subject
29 to appeal.

30 c. Each school district shall adopt a policy that defines
31 the term "*insufficient classroom space*" for that district.

32 3. A request under this section is for a period of not
33 less than one year. A student who attends school in another
34 attendance center pursuant to this section may return to the
35 original attendance center and enroll at any time, once the

1 parent or guardian has notified the board of directors of
2 the school district in writing of the decision to enroll the
3 student in the original attendance center.

4 4. If a request filed under this section is for a student
5 requiring special education under chapter 256B, the request to
6 transfer to another attendance center shall only be granted if
7 all of the following conditions are met:

8 a. The attendance center maintains a special education
9 instructional program that is appropriate to meet the student's
10 educational needs and the enrollment of the student in the
11 attendance center would not cause the size of the class or
12 caseload in that special education instructional program in the
13 attendance center to exceed the maximum class size or caseload
14 established pursuant to rules adopted by the state board of
15 education.

16 b. If the student would be assigned to a general education
17 class, there is sufficient classroom space for the general
18 education class to which the student would be assigned.

19 5. If a student, for whom a request to transfer has been
20 filed with the board of directors of a school district, has
21 been suspended or expelled in the school district, the student
22 shall not be permitted to transfer until the student has been
23 reinstated. Once the student has been reinstated, however, the
24 student shall be permitted to transfer in the same manner as if
25 the student had not been suspended or expelled. If a student,
26 for whom a request to transfer has been filed with the board
27 of directors of a school district, is expelled in the school
28 district, the student shall be permitted to transfer under this
29 section if the student applies for and is reinstated. However,
30 if the student applies for reinstatement but is not reinstated
31 in the school district, the board of directors of the school
32 district may deny the request to transfer. The decision of
33 the board of directors of the school district is not subject
34 to appeal.

35 6. A student who is enrolled in another attendance center

1 within the same school district pursuant to this section is
2 eligible to participate immediately in varsity interscholastic
3 athletic contests and athletic competitions as a member of a
4 team from the receiving attendance center.

5 7. This section shall not be construed to prohibit a
6 school district from allowing the parent or guardian of a
7 student enrolled in the school district to enroll the student
8 in another attendance center within the same school district
9 that offers classes at the student's grade level pursuant to a
10 policy adopted by the board of directors of the school district
11 that allows for transfers for reasons in addition to those
12 allowed pursuant to this section.

13 8. The state board of education shall adopt rules pursuant
14 to chapter 17A to administer this section.

15 **Sec. 2. NEW SECTION. 279.78 Notice to parents or guardians**
16 **related to physical injuries, harassment, or bullying.**

17 A classroom teacher employed by a school district shall
18 notify the parents or guardians of a student enrolled in
19 the school district in writing or by electronic mail within
20 twenty-four hours after the classroom teacher witnesses any of
21 the following:

22 1. Any student enrolled in the school district physically
23 injuring the student.

24 2. Any student enrolled in the school district harassing
25 or bullying the student. For purposes of this subsection,
26 "harassment" and "bullying" mean the same as defined in section
27 280.28.

28 **Sec. 3. EFFECTIVE DATE.** This Act, being deemed of immediate
29 importance, takes effect upon enactment.

30 **EXPLANATION**

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to school districts, including authorizing
34 the parent or guardian of a student enrolled in a school
35 district to enroll the student in another attendance

1 center within the same school district in certain specified
2 circumstances and requiring classroom teachers employed by
3 school districts to provide notice to the parents or guardians
4 of students enrolled in the school district if the classroom
5 teacher witnesses the student being physically injured,
6 harassed, or bullied.

7 The bill enacts new Code section 279.77, which provides that
8 a parent or guardian of a student enrolled in a school district
9 may enroll the student in another attendance center within the
10 same school district that offers classes at the student's grade
11 level in the manner provided in new Code section 279.77 if the
12 board of directors of the school district reasonably believes
13 that any student enrolled in the school district has harassed
14 or bullied the student. The bill defines "harassment" and
15 "bullying".

16 The bill requires a parent or guardian to send a request
17 to the board of directors indicating that the parent or
18 guardian intends to enroll the student in another attendance
19 center within the same school district. Additionally, the
20 bill requires the board of directors to enroll the student
21 in another attendance center within the same school district
22 unless the attendance center has insufficient classroom space
23 for the student. The bill authorizes the board of directors
24 to adopt a policy granting the superintendent the authority
25 to approve these requests. The bill requires the board
26 of directors to transmit a copy of the form to the parent
27 or guardian within five days after board action. The bill
28 authorizes the parent or guardian to withdraw the request
29 at any time prior to the board of directors' action on the
30 request.

31 The bill provides that these requests are for a period of
32 not less than one year. The bill also provides that a student
33 who attends school in another attendance center pursuant to
34 new Code section 279.77 may return to the original attendance
35 center and enroll at any time, once the parent or guardian has

1 notified the board of directors of the decision to enroll the
2 student in the original attendance center.

3 The bill provides that, if a request filed pursuant to
4 new Code section 279.77 is for a student requiring special
5 education, the request to transfer to another attendance center
6 shall only be granted if the attendance center maintains a
7 special education instructional program that is appropriate to
8 meet the student's educational needs and the enrollment of the
9 student in the attendance center would not cause the size of
10 the class or caseload in that special education instructional
11 program in the attendance center to exceed the maximum class
12 size or caseload established pursuant to rules adopted by the
13 state board of education, and, if the student would be assigned
14 to a general education class, there is sufficient classroom
15 space for the general education class to which the student
16 would be assigned.

17 The bill provides that if a student for whom a request to
18 transfer has been filed with the board of directors has been
19 suspended or expelled in the school district, the student
20 shall not be permitted to transfer until the student has been
21 reinstated. The bill also provides that, once the student
22 has been reinstated, the student is permitted to transfer in
23 the same manner as if the student had not been suspended or
24 expelled. The bill establishes that if a student for whom a
25 request to transfer has been filed with the board of directors
26 is expelled, the student shall be permitted to transfer if the
27 student applies for and is reinstated. The bill provides that
28 if the student applies for reinstatement but is not reinstated
29 in the school district, the board of directors may deny the
30 request to transfer.

31 The bill provides that a student who is enrolled in
32 another attendance center within the same school district
33 pursuant to new Code section 279.77 is eligible to participate
34 immediately in varsity interscholastic athletic contests and
35 athletic competitions as a member of a team from the receiving

1 attendance center.

2 The bill prohibits new Code section 279.77 from being
3 construed to prohibit a school district from allowing the
4 parent or guardian of a student enrolled in the school district
5 to enroll the student in another attendance center within the
6 same school district that offers classes at the student's grade
7 level pursuant to a policy adopted by the board of directors
8 of the school district that allows for transfers for reasons
9 in addition to those allowed pursuant to the bill. The
10 bill requires the state board of education to adopt rules to
11 administer the new Code section.

12 The bill enacts new Code section 279.78, which requires
13 a classroom teacher employed by a school district to notify
14 the parents or guardians of a student enrolled in the school
15 district in writing or by electronic mail within 24 hours after
16 the classroom teacher witnesses any student enrolled in the
17 school district physically injuring, harassing, or bullying the
18 student.

19 The bill takes effect upon enactment.